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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE ROE, an individual; MARY ROE, an individual; SUSAN ROE, an individual; JOHN ROE, an individual; BARBARA ROE, an individual; PHOENIX HOTEL SF, LLC, a California limited liability company; FUNKY FUN, LLC, a California limited liability company; and 2930 EL CAMINO, LLC, a California limited liability company,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO, a California public entity,

Defendant.

Case No. 4:24-cv-01562-JST

DECLARATION OF JOHN H. GEORGE IN SUPPORT OF DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S STATEMENT OF NON-OPPOSITION TO PLAINTIFFS' MOTION FOR ADMINISTRATIVE RELIEF REQUESTING PERMISSION TO USE A PSEUDONYM ON PUBLICLY FILED PLEADINGS

[EXHIBITS FILED UNDER SEAL]

Trial Date: None set.

1 I, John H. George, hereby declare:

2 1. I am a member of the bar of the state of California and counsel of record for Defendant
3 City and County of San Francisco in this action. I have personal knowledge of the matters stated
4 herein, and if called and sworn as a witness could and would competently testify thereto.

5 2. I submit this Declaration in support of Defendant City and County of San Francisco's
6 Statement of Non-Opposition to Plaintiffs' Motion for Administrative Relief Requesting Permission to
7 Use a Pseudonym on Publicly Filed Pleadings.

8 3. On March 21, 2024 at approximately 1:30 p.m., Plaintiffs filed an administrative
9 motion to file their declarations under seal (ECF No. 17). The ECF entry includes the name "Davis,
10 Matthew" at the end, which I understand to indicate the filing was made using the ECF login
11 credentials of Plaintiffs' counsel, Matthew Davis. Plaintiffs' unredacted declarations motion to seal
12 were file with the motion to seal (ECF Nos. 17-3, 17-5, 17-7, 17-9, and 17-11). The unredacted
13 declarations were available to download from PACER and through the emailed ECF notice for ECF
14 No. 17.

15 4. In my experience, unredacted versions of documents properly filed under seal in the
16 Northern District of California under Civil Local Rule 79-5 and the Court's E-Filing Under Seal In
17 Civil Cases instructions (available at <https://cand.uscourts.gov/cases-e-filing/cm-ecf/e-filing-my-documents/e-filing-under-seal/>) are not accessible through PACER or ECF by a party or the public.
18 This is consistent with the statement in the Court's E-Filing Under Seal In Civil Cases instructions that
19 "Registered ECF users will be served automatically as described in Civil L.R. 5-1(g)(1) but will not
20 have access to any attachment filed under seal (e.g., the unredacted version of the document at issue)." In
21 my experience, parties and the public have access to documents on the Court's docket that are not
22 filed under seal.

24 5. On March 22, 2024 at approximately 3 p.m., I emailed Plaintiffs' counsel to notify
25 them that it appeared they "publicly filed unredacted versions of the Individual Plaintiffs' declarations
26 as exhibits to ECF No. 17."

27 6. Plaintiffs' counsel responded to my email at approximately 3:17 p.m. and stated that "It
28 appears that the Court inadvertently posted these on PACERS, despite clear instructions to the

contrary. My assistant is in contact with the Court to get them removed. Please delete any copies that you received and do not forward. Thank you very much for bringing this to our attention.”

7. Plaintiffs' counsel further responded at approximately 3:46 p.m. and stated that "The documents are now all properly sealed. Apparently the system allowed you to view them because you are a party to the case, and in most instances a party to the case can see a sealed document. That error was fixed. The declarations were only accessed once before the issue was fixed. Fortunately, the declarations were not viewable by general members of the public." The unredacted declarations were no longer accessible through PACER or the emailed ECF notice after Plaintiffs' counsel's 3:46 p.m. email.

8. Attached hereto as **Exhibit A (Conditionally Filed Under Seal)** is a true and correct copy of the 2022 news program containing video of and statements from one of the Plaintiffs.

9. Attached hereto as **Exhibit B (Conditionally Filed Under Seal)** is a true and correct copy of the 2023 news program containing video of statements from one of the Plaintiffs.

10. Attached hereto as **Exhibit C (Conditionally Filed Under Seal)** is a true and correct copy of the 2022 news program on YouTube containing video of statements from one of the Plaintiffs.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed March 25, 2024 in San Francisco, California.

s/ John H. George
John H. George